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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,312	10/14/2005	Gunnar Nitsche	066340.0223	4052

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EXAMINER	
FARAGALLA, MICHAEL A	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
10/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/538,312	NITSCHE ET AL.	
	Examiner	Art Unit	
	MICHAEL FARAGALLA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the pre-appeal conference request filed by applicant on 03/09/209. This action is made non-final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 14-19 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bridgelall (Publication number: US 2002/0085516)** in view of **Gallagher et al (Publication number: US 2006/0009201).**

Consider Claim 1, Bridgelall shows a method for production of a connection between a mobile station and a communication network (see figure 12), the mobile station performing the steps comprising:

(a) Automatically performing identification process which identifies usable connection options to different networks having different standards and frequency bands (see figure 12; paragraphs 26 and 27); (figure 12 shows a mobile terminal that is capable of communicating with both a WLAN and WWAN network which both have different frequency bands and standards. Further, the usable connection options are read as the physical knowledge of the network, since the switching decision between networks is taken based upon that knowledge).

(b) Wherein a first standard is selected and a check is carried out of the usable connection options within this first standard (see paragraph 65); (the first standard is read as WLAN, wherein the availability of the WLAN's are checked).

(c) Then a next standard is selected and a check is carried out of the usable connection options within the next standard (see paragraphs 33 and 68); (the next standard is read as WWAN network).

(d) Selecting a usable connection option (see paragraph 27).

(e) Setting up a connection from the mobile station to the network via an access point after selection of connection parameters, wherein the connection is set up by the mobile station to the access point which is being communicated to via the standard for which the usable connection option has been selected (see figure 12; paragraphs 26 and 27); (the mobile selects the wireless network for connection based on a preference (for instance, higher data rate)).

However, Bridgelall does not specifically show connection parameters which identify the standard with which a usable connection option is found are stored.

In related art, Gallagher et al show connection parameters which identify the standard with which a usable connection option is found are stored (see figure 16; paragraph 89); (he GSM update status and associated parameters stored on the SIM, and also the mobile has the indoor base station cell information). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Gallagher et al into the teaching of Bridgelall in order to establish secure links for communication (see Gallagher et al; paragraph 89).

Consider Claims 15 and 16, Bridgelall shows the method of claim 14, wherein selecting a usable connection option comprises selection under program control, and wherein selecting a usable connection option comprises manual selection (see paragraph 26).

Consider Claim 17, Bridgelall shows the method of claim 14, wherein selecting a usable connection option comprises selecting the connection option which achieves the maximum data throughput between the mobile station and the communication network (see paragraph 27).

Consider Claim 18, Gallagher et al show the method as claimed in claim 14 wherein an identification process and data storage of connection parameters which identify the standard with which usable connection option is found are carried out before logging on a connection with an access point (see figure 16;

paragraph 89); (he GSM update status and associated parameters stored on the SIM, and also the mobile has the indoor base station cell information).

Consider Claim 19, Bridgelall shows the method a s claimed in claim 14 wherein an identification process and data storage of connection parameters which identify the standard with which a usable connection option is found are carried out while a connection exists to an access point (see figure 12).

Consider Claim 21, Gallagher et al show a method of claim 14 wherein the mobile station logs off from the current access point, carries out the identification process and logs on with the same access point or with another access point after the completion of the identification process (see column 13, lines 53-60).

Consider Claim 22, Bridgelall in view of Gallagher et al show the method of claim 14 wherein the automatic identification process and the data storage of connection parameters with which a usable connection option is found and updating processes of said connection parameters are carried out within a time period in which no data is transmitted and during which the mobile station is not busy carrying out processes other than said identification, storage and/or updating processes that cannot be interrupted (see figures 5 and 6).

Consider Claim 23, Gallagher et al show the method of claim 14, wherein the identification process and the data storage of connection parameters which identify the standard with which a usable connection option is found and updating processes of said connection parameters are carried out periodically (see figure 15; column 13, lines 53-60); (the mobile station periodically scans for IAN coverage).

Consider Claim 24, Bridgelall shows the method of claim 14 wherein the identification of usable connection options is carried out by transmission of a signal to possible access points and by evaluation of the received signal or just by evaluation of the received signal (see paragraph 35).

Consider Claim 25, Gallagher et al show the method of claim 14 wherein the identification of usable connection options is carried out in a data transmission pause during an active connection to an access point (see column 13, lines 53-60); (the transmission pause is read as idle state of a mobile terminal).

Consider Claim 26, Bridgelall shows the method of claim 14 wherein in the event of a deterioration in the transmission quality or a connection failure to the current access point, after accessing the stored data of connection parameters which identify the standard with which a usable connection option is found after further

identification process, a connection change is made to an access point which ensures a better transmission quality (see paragraph 33).

Consider Claim 27, Bridgelall shows the method of claim 14 further comprising: switching to a different standard and to different frequency bands, wherein said switching is carried out under program control or by rebooting a processor, the processor automatically performing said identification processes which identify usable connection options (see paragraphs 26 and 27).

Consider Claim 28, Gallagher et al show the method of claim 14 further comprising : carrying out a periodic comparison between the connection parameters to the current access points other than the current access point; and making a change to another connection option automatically or manually (see figure 15; column 13, lines 53-60).

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bridgelall (Publication number: US 2002/0085516)** in view of **Gallagher et al (Publication number: US 2006/0009201)** in view of **Lescuyer et al (EP 1257141).**

Consider Claim 21, Bridgelall in view of Gallagher et al show a method of claim 19, but fail to specifically show that before the identification process is carried out, a current access point is signaled that the mobile station cannot receive data for an agreed time, and arriving data is bffered in the current access point.
In related art, Lescuyer et al show that before the identification process is carried out, a current access point is signaled that the mobile station cannot receive data for an agreed time, and arriving data is bffered in the current access point (see paragraph 43).
Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to incorporate the teaching of Lescuyer et al into the teaching of Bridgelall and Gallagher et al in order to redirect communication between communication networks that have different technologies (see Lescuyer et al; abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL FARAGALLA whose telephone number is (571)270-1107. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Michael Faragalla/
Examiner, Art Unit 2617

10/10/2009